

811 KAR 1:085. Conduct of racing.

RELATES TO: KRS 230.215, 230.260(1), 230.310

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(3) authorize the Authority to promulgate administrative regulations prescribing the conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for the conduct of racing.

Section 1. Definitions. (1) "High nerving" means a neurectomy at or above the fetlock, including the volar, palmar, or plantar nerves.

(2) "Low nerving" or "posterior low nerving" means a palmar digital neurectomy.

(3) "Nerved horse" means a horse in which the nerve cells in a foot have been removed or desensitized by surgical, physical, or chemical means.

Section 2. A licensee shall not: (1) Refuse to comply with an order or ruling of a member or employee of the authority or a racing official or judge,

(2) Interfere with the performance of the duty of a person specified in subsection (1) of this section;

(3) Threaten, strike, or harass an owner, trainer, driver or attendant of a horse, or an employee of the association or authority;

(4) Sexually harass an owner, trainer, driver or attendant of a horse, or an employee of the association or Authority; or

(5) Use force or intimidation against an owner, trainer, driver or attendant of a horse, or an employee of the association or Authority.

Section 3. (1) A person or association shall not offer any money, benefit, or other inducement to any licensee, employee of the Authority, or officer of a racing association to affect the entries to a race, the running of a race, or the outcome of a race.

(2) An action prohibited by subsection (1) of this section shall be immediately reported to the judges who shall promptly inform the racing association and the Authority.

Section 4. (1) An owner, trainer, agent, or driver of a horse shall not threaten or join with others in threatening not to race, or not to declare in, because of the entry of a certain horse or a particular stable, thereby compelling or attempting to compel the racing secretary to reject an eligible entry.

(2) An action prohibited by subsection (1) of this section shall be immediately reported to the Authority.

Section 5. An owner, agent, or driver who has entered a horse shall not demand of the association a bonus of money or other special award or consideration as a condition for starting the horse.

Section 6. (1) A driver shall not place a wager, or cause a wager to be placed on his or her behalf, or accept a ticket or winnings from a wager on a race, except:

(a) A race on the horse he is driving; and

(b) Through the owner or trainer of the horse he is driving.

(2) An owner or trainer who places a wager for his driver shall:

(a) Maintain a complete record of the wager; and

(b) Make the record available for examination by the judges upon request.

Section 7. Duty to Report Fraudulent Proposal. A person shall immediately report to the presiding judge the details of an offer, promise, or request for a bribe or wager intended to affect the outcome of a race.

Section 8. Financial Responsibility. (1)(a) A licensee's failure to satisfy a final civil judgment rendered against the licensee by a court of law for goods, supplies, services, or fees furnished to the person and used in the course of the licensed occupation, shall constitute a failure to meet the financial responsibility requirements of KRS 230.310.

(b) Lack of a showing of legal and just cause for not satisfying a final civil court judgment shall be considered inconsistent with the best interests of racing and the maintenance of honesty, integrity, and high quality of racing and shall constitute cause for refusal to issue or renew a license, or for suspension of a license.

(2) A licensee who contests in a hearing before the Authority judges, or in a hearing before an Authority hearing officer, a denial, nonrenewal, or suspension of a license, shall not be permitted to collaterally attack the validity of a certified copy of a final civil court judgment introduced into evidence at the hearing.

(3)(a) A licensee who is the subject of a complaint, pursuant to this section, relating to financial responsibility that results from an unsatisfied judgment shall, as a condition of the grant, reinstatement, or renewal of the license, be required to pay the costs of any proceeding held before the Authority that results from the judgment.

(b) Costs shall include the cost of time spent by the hearing officer and the attorney for the Authority, and any fees and incidental expenses incurred in adjudicating the matter.

(c) An imposition of costs pursuant to this section shall be subject to approval by the full Authority and shall be limited to \$500 per individual case.

(d) A licensee shall not be required to pay costs if the evidence at the hearing shows that the licensee did not fail to meet the financial responsibility requirements of KRS 320.310.

Section 9. Nerved Horses. (1) A horse that has been nerved shall be:

(a) Designated "nerved" on its U.S. Trotting Association registration and electronic eligibility; and

(b) Certified as nerved by a licensed veterinarian.

(2) If a horse is nerved, the owner of the horse at the time it was nerved shall cause the information required by subsection (1) of this section to be entered on the horse's registration and electronic eligibility certificates.

(3) High nerving.

(a) High nerving shall not be permitted in a horse to be raced.

(b) An incision of nerves at or above the fetlock shall be evidence that a horse has been high nerved, even if partial or complete feeling is present at the front of the coronary band of the foot.

(4) Low nerving.

(a) Only low nerving by surgery, freezing, or other physical or chemical means shall be permitted on a horse to be raced.

(b) Only the posterior digital nerve and middle branches to the palmar part of the foot may be desensitized.

(c) Low nerving shall be performed below the fetlock.

(d) The dorsal branches shall be preserved so the horse has feeling at the coronary band at the front of the foot on both sides of the midline of the foot.

(5) A lack of feeling at the coronary band on the front of the foot shall be prima facie evidence

that a horse has been nerved in violation of the provisions of this section.

(6) A trainer or owner shall not be permitted to enter or start a horse that is high nerved.

(7) A low nerved horse shall be permitted to start, if the fact that it has been low nerved is published on the bulletin board in the association's racing office.

Section 10. Spayed Mares. If a mare has been spayed:

(1) It shall be noted on the:

- (a) Registration certificate;
- (b) Electronic eligibility certificate; and
- (c) Program when the mare races; and

(2) The owner shall:

- (a) Notify the United States Trotting Association that the mare has been spayed; and
- (b) Return the mare's papers to the United States Trotting Association for correction.

Section 11. (1) An owner, trainer, driver, attendant or other person representing a horse which has previously tested positive for equine infectious anemia shall not knowingly cause it to be declared into any race.

(2) An owner, trainer, driver, attendant or other person shall not transfer, or attempt to transfer, a horse with equine infectious anemia without first notifying the prospective purchaser or transferee of the fact that the horse had previously tested positive for equine infectious anemia.

Section 12. Penalties. (1) A person or association track that violates Section 4, 8, or 10 of this administrative regulation shall have committed a Category 2 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(2).

(2) A person or association that violates Section 3 or 7 of this administrative regulation shall have committed a Category 3 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(3).

(3) A person or association that violates Section 1, 2, 5, 6, 9, 11, or 12 of this administrative regulation shall have committed a Category 1 violation and shall be subject to the penalties set forth in 811 KAR 1:095, Section 4(1). (KTC 1-8 (Rule 20); 1 Ky.R. 1113; eff. 6-11-75; Am. 15 Ky.R. 2282; 16 Ky.R. 174; eff. 7-14-89; 24 Ky.R. 1782; 2702; eff. 6-15-98; 33 Ky.R. 950; 3387; eff. 6-1-07; 34 Ky.R.1554; 1983; eff. 3-7-2008.)